

# How to Participate in a Land Use Decision

July 2006

## How can I find out about land use development applications and decisions?

There are a number of ways to find out about development proposals in your neighborhood or elsewhere in the city. These include:

**Weekly Permit Bulletins.** Each Thursday the city publishes in the *King County Journal* a bulletin listing new land use applications, recommendations, and decisions. The bulletin is also mailed to owners of property within 500 feet of a listed project; and copies are posted in the libraries, in Development Services, and on-line at [www.bellevuewa.gov](http://www.bellevuewa.gov).

**Information Signs.** Signs are posted at certain project sites, informing the public of proposed land use actions and providing basic project information and phone numbers.

**Public Meetings.** Certain projects include an informational public meeting. See the Weekly Permit Bulletin for scheduled public meetings. Get information on Planning Commission meetings at [www.bellevuewa.gov](http://www.bellevuewa.gov).

**Permit Center.** Drop by the first floor of City Hall to pick up development information handouts, review the Land Use Code (LUC), or ask the planner on duty your general development-related questions. Development Services hours are 8 a.m. to 4 p.m. on Monday, Tuesday, Thursday, and Friday and from 10 a.m. to 4 p.m. on Wednesday.

**Public Records Center.** Records staff provide access to development project files. To order records material, visit the Records Center or call the automated request line at 425-452-7926. You will need to provide the site address, permit number, and/or parcel number.

**On-line Permit Status.** Go to [www.mybuildingpermit.com](http://www.mybuildingpermit.com) (see Permit Research) to get lots of information about the project, including contacts.

**Project Reviewers.** Planners assigned to review projects are identified and their contact information given in the Weekly Permit Bulletin and in the project status information on-line. They are happy to answer your questions about a project.

## Can I comment on a project?

We encourage and welcome comments from anyone who feels affected by a proposal. When submitting comments, keep the following in mind:

- Comments must be in writing (letter or e-mail) and addressed to the Department of Planning & Community Development and must contain your name and address.
- Comments will be accepted until the time a staff report is prepared for the decision or recommendation. The comment period will always be at least 14 days (30 days for projects in the Shoreline Overlay District).
- If you submit a written comment, the city will send you a copy of the notice of decision or recommendation.

## Will my comments make any difference?

All comments are read and carefully considered before a decision is issued. Your comments help ensure that the best decision is reached. While there are no "rules" for structuring your comments, you may want to consider the following:

- Comments made early in the decision process are generally more effective than comments made later.

- You cannot appeal a decision unless you provided written comments before the decision was made.
- Each application type (conditional use permit, design review, etc.) has criteria that must be met in order to be approved. If you object to a proposal, you may want to show where you believe the applicable criteria are not met.

### Who makes the decision on a development proposal?

The city uses different decision processes for different types of applications. The processes are numbered I through V, and the specific steps involved in each process are contained in Chapter 20.35 of the Land Use Code. The kind of process involved for any particular permit tells you what kind of public notice is required, who makes the decision, and who can hear an appeal of the decision.

**Process I** is for the review of “quasi-judicial” decisions made by the Bellevue Hearing Examiner following a public hearing. A quasi-judicial decision is governed by strict rules of fairness similar to those that apply in court. City staff review the proposal, hold a public meeting, and forward a recommendation to the Hearing Examiner for review at a public hearing. The Hearing Examiner’s decision is appealable to the City Council. Process I is used for the following applications:

- Conditional use permits
- Planned unit developments
- Preliminary subdivisions (plats)
- Protected Area development exceptions
- Shoreline conditional use permits

**Process II** is used for the bulk of our projects, the administrative decisions made by the director of Planning & Community Development. PCD often holds public meetings for larger or more complex projects before a decision is issued. Decisions are appealable to the Bellevue Hearing Examiner and include:

- Design reviews
- Administrative amendments
- Administrative conditional uses
- Home occupations
- SEPA threshold determinations

- Shoreline substantial development permits
- Preliminary short plats
- Variances and shoreline variances
- Land use code interpretations

**Process III** is used to review quasi-judicial decisions made by the City Council following a public hearing and recommendation by the Hearing Examiner. Process I applications within the East Bellevue Community Council area are also Process III decisions. Appeals of the Hearing Examiner recommendation are heard by the City Council, and City Council decisions are appealable to Superior Court. Process III applications include:

- Site-specific rezones
- Process I decisions for property located in the East Bellevue Community Council area

**Process IV** is used to review applications for non-project decisions establishing development policies and regulations. Process IV decisions are made by the City Council, following a public hearing held by the Bellevue Planning Commission. Process IV applications include:

- Amendments to the Land Use Code
- Amendments to the Comprehensive Plan and the Land Use Plan Map
- Area-wide rezones

**Process V** is used to review applications for temporary encampments. Process V decisions are made by the director of Planning & Community Development. A Process V decision is appealed to Superior Court.

### What if I don’t like the decision on an application?

You may appeal any decision IF you filed written comments expressing your concerns before the decision was made. An appeal of a Hearing Examiner decision is made to the City Council. An appeal must be in writing and must be received by the City Clerk’s office by 5 p.m. on the appeal deadline indicated on the notice of decision. See Handout L-35, Appealing a Land Use Decision.

## How do I appeal a decision on an application in the Shoreline Overlay District?

An appeal of a shoreline decision is made to the State Shoreline Hearings Board, must be in writing, and must be filed within 21 days of the date the PCD decision is received by the State Department of Ecology (DOE). The PCD decision will be sent to DOE by the close of business on the date of the notice of decision. You can get additional information on shoreline appeals by calling the Shoreline Hearings Board at 360-459-6327.

## Brief answers to other commonly asked questions about public noticing

### 1. *Why are some projects noticed, while others are not?*

Noticing requirements are determined by the type of land use proposal. The Land Use Code separates land use permit types into five categories, each requiring its own distinct review process as described above (Process I – V). In addition, if environmental review is required, so is public notice.

### 2. *Why do some projects require a public notice sign and others don't?*

Most land use proposals requiring public notice also require a public information sign near the project site. However, projects that require public notice because of a SEPA review do not require a sign; these applications are only noticed in the Weekly Permit Bulletin.

### 3. *How long do public information signs stay up?*

Signs stay up until the appeal period for the decision has expired or, if there is an appeal, until the appeal is finished.

### 4. *How can I comment on a project?*

You can speak with the land use planner who is reviewing the project, and you can submit written comments. Please note that should you wish to appeal a land use decision, you may do so only if you submitted written comments prior to a decision having been made.

### 5. *Can I only comment during the "minimum comment period"?*

While the city is only required to accept public comments during the 2-week period following the date of the notice (called the minimum comment period), comments are actually accepted until the time the decision or recommendation is ready to be published. Because we cannot issue a decision or recommendation during the minimum comment period, you may wish to, at a minimum, contact the planner for the project during that period to find out when a decision is anticipated. That way, you have an idea of when your written comments should be submitted.

### 6. *How can I find out who is reviewing a particular project?*

For new land use applications this information can be found in the *Weekly Permit Bulletin*, which is published weekly by the city. The city's permit tracking system (called AMANDA) contains up-to-date information about project proposals, their reviewers, and their review status. Anyone in Development Services can look up this information for you. Even better, you can find it yourself at [www.mybuildingpermit.com](http://www.mybuildingpermit.com) (see Permit Research).

### 7. *Who automatically receives the Weekly Permit Bulletin?*

The bulletin is mailed to all property owners within at least 500 feet of the project site of any project that requires public notice. Please note that the bulletin is mailed to the property owner, not the resident. If you live in any rental unit, the notification will go to the owner of the property.

**8. How can I receive the *Weekly Permit Bulletin*? Is there a cost?**

- a. You can find the current bulletin online at [www.bellevuewa.gov](http://www.bellevuewa.gov).
- b. You can receive the bulletin via e-mail. Call Service First at 425-452-6800 to find out how to subscribe.
- c. If you do not have Internet access, you can subscribe at no cost. Submit a request to the land use technician in Planning & Community Development (425-452-6800).

**Where can I find additional information?**

- LUC 20.30, Permits and Decisions
- LUC 20.35, Review and Appeal Procedures
- Handout L-35, Appealing a Land Use Decision
- [www.bellevuewa.gov](http://www.bellevuewa.gov)
- Weekly Permit Bulletin
- State Shoreline Hearings Board  
360-459-6327

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This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other city codes, such as the Construction Codes. Additional information is available from Development Services at Bellevue City Hall or on the city website at [www.bellevuewa.gov](http://www.bellevuewa.gov).

For land use regulations that may apply to your project, contact the Land Use Information Desk in Development Services. Phone: 425-452-4188. E-mail: [landusereview@ci.bellevue.wa.us](mailto:landusereview@ci.bellevue.wa.us). Assistance for the hearing impaired: dial 711.

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